

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROGER M. WHEELER,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

Case No. C05-5764 FDB

ORDER ADOPTING REPORT  
AND RECOMMENDATION  
AND DISMISSING PETITION  
WITH PREJUDICE


The Magistrate Judge recommends that this petition for *habeas corpus* relief be dismissed with prejudice for failure to cure deficiencies or show cause why the petition should not be dismissed . As detailed by the Magistrate Judge, Petitioner was informed that the petition was not filed under the appropriate statute, that he had failed to exhaust administrative remedies and that he had failed to name a proper respondent. Petitioner failed to avail himself of the opportunity to cure the deficiencies or show cause why this matter should not be dismissed.

The Court, having reviewed the petition for *habeas corpus*, the Report and Recommendation of Judge Karen L. Strombom, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) the Court adopts the Report and Recommendation;
- (2) petitioner's federal habeas petition is DISMISSED with prejudice; and

(3) the Clerk is directed to send copies of this Order to petitioner and to Magistrate Judge Karen L. Strombom.

DATED this 8<sup>th</sup> day of June, 2006.

  
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FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE